

Attorney Docket No.: 20114 - 00101

REMARKS

Claims 1-21 remain pending in the above-referenced application.

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Published Patent Application No. 2007/0029376 to Stoutenburg et al. ("Stoutenburg"). Stoutenburg does not anticipate any of the claims because Stoutenburg does not teach non-consumer checks or non-consumer check procedures. Stoutenburg exclusively focuses on payments by consumers at a point-of-sale (POS) device. Stoutenburg never mentions payments by non-consumers. The Stoutenburg POS device permits a consumer to select from a plurality of payment methods: among such payments methods are credit card, debit card, money order, money transfer, and check transactions. Paragraph [0038]. Despite the variety of payment methods, however, all of them are focused on a consumer-merchant transaction.

Indeed, none of the portions cited by the Examiner against the claims undermine this contention. Against the step of scanning consumer and non-consumer checks, the Examiner cites paragraph [0039]. The paragraph reads as follows:

In particular embodiments, a bidirectional printer is included with the POS device. Such a bi-directional printer is capable of printing from left to right, from right to left, and vertically in one or both directions. Such a bi-directional printing capability is useful for a number of reasons. For example, such a printer can be used to frank a check. When the check is inserted in the slip printer and/or imager vertically, it is scanned by the imager and MICR reader for content. Such a process can be accomplished once on insertion of the check into POS device 130 and then again on the exit. Then, in some cases, the slip printer prints the pay line of the check, which can include a 90 degree rotation of the print head. Once the printing is complete, the check is turned over by the clerk and placed back in slip printer and/or imager for franking the back of the check. Such franking of the back of the check can include receipt information, such as, a merchant number, a store name, a time stamp, a dollar amount, and the like.

The passage describes the versatility of a bi-directional printer with checks, but it does not describe non-consumer checks. Indeed, the "checks" mentioned here can only mean consumer checks, since consumers are the only kind of payers mentioned in Stoutenburg. For instance,

Attorney Docket No.: 20114 - 00101

Stoutenburg states that “POS peripheral terminal to be an interactive tool that allows customers to select their preferred transaction methods....” Paragraph [0041]. The Stoutenburg system is directed to an “interaction of a customer with one or more transaction systems during an interaction with a POS device.” Paragraph [0044]. The Stoutenburg POS device is not used for accepting payments from non-consumers; merchants use it to accept payments from consumers. Paragraph [0004] (“In the sale of goods by a merchant to a customer, point-of-sale devices are used by the merchant to complete a transaction.”).

Claim 1 also recites the sorting of consumer checks from non-consumer checks. To show that Stoutenburg teaches this step, the Examiner relies on paragraph [0180], which reads as follows:

POS device 130 analyzes the payment information to identify a suitable function central control 110 to which the payment is to be directed. POS device 130 contacts the selected function central control 110, transmits the received payment information, and awaits confirmation that the payment has been accepted. Then, in some embodiments, the selected function central control transmits an acceptance of the tendered payment, along with an account balance reflecting the balance after deducting the recently tendered payment. POS device 130 can then print a receipt of the transaction indicating the received payment and/or the new account balance via printer interface 232 or printer interface 256.

The “payment information” that the POS device 130 analyzes is described in paragraph [0176]:

In some embodiments, a customer can pay a number of bills in a single transaction. In such cases, the various accounts and payments are entered into POS device 130. The total amount of payments can be aggregated by POS device 130 including transaction fees, if any, and an amount to cover the aggregated payments tendered from the customer. In some embodiments, only a single function central control 110 is contacted to complete the payment transaction. Thus, for example, *all of the payment information can be transmitted from POS device 130 to network processor 732 and host 733.* Host 733 then desegregates all of the payment information, and debits and credits the proper credit accounts via deposit maintenance network 650 and/or credit maintenance network 660.

The “payment information” mentioned in paragraph [0180] is thus exclusively consumer-related payment information. Therefore, the POS device analyzes the payment information provided by

Attorney Docket No.: 20114 - 00101

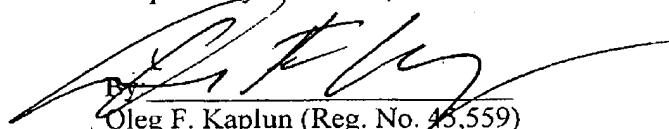
a customer not to determine whether any of it pertains to a non-consumer check, but to determine the mode of payment that the consumer wishes to use, including payment by check.

Thus, the Stoutenburg system is exclusively for allowing a customer to select the way he will pay his debts. At a POS device in a store, a consumer can choose to pay with a credit card, a money order, a check, or a money transfer. The Stoutenburg system integrates these disparate payment methods into a unified process: by detecting the kind of payment information entered by a user, the Stoutenburg POS device forwards the information to the appropriate transaction system. If a consumer chooses to pay with a credit card, the POS device detects this selection and forwards the payment information to a remote transaction system for processing credit card payment. The POS device would have forwarded the payment information to a different transaction system had the consumer chosen to pay with a check. What is common to all these payment modes is that every one involves a consumer paying a debt to a merchant. None involves non-consumer checks. Indeed, the Examiner does not cite even one portion of Stoutenburg that expressly identifies a check as non-consumer. Since the exclusive focus of Stoutenburg is on payments by consumers to merchants, every mention of checks in Stoutenburg must be regarded as a consumer check.

Accordingly, withdrawal of this rejection is respectfully requested.

All issues having been addressed, Applicants submit that this application is in condition for allowance.

Respectfully submitted,



Oleg F. Kaplun (Reg. No. 43,559)
Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
(212) 619-6000-phone
(212) 619-0276 -fax